

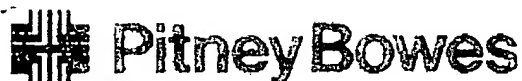
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FEB 17 2005

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Facsimile

To: Examiner Firmin Backer
Group Art Unit: 3621
Fax No.: (703) 872-9306
From: Charles R. Malandra, Jr.
Date: February 17, 2005
Subject: 09/693,285
Docket No.: F-214
Pages: 1 of 5

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that the following correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office, Fax No. (703) 872-9306 on February 17, 2005.

1. Notice of Appeal for 09/693,285 (2 pages).

Charles R. Malandra, Jr.
Name of Registered Rep.
Reg. No.31,038

Signature

February 17, 2005

Date

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FEB 17 2005**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application:

Appl. No. : 09/693,285
Applicant : Leon A. Pintsov
Filed : October 20, 2000
Art Unit : 3621
Examiner : Backer, Firmin
Attorney Docket No. : F-214
Customer No. : 00919

Confirmation No.: 8085 7693,285

LEON A. PINTSOV

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Date: February 17, 2005

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner mailed November 17, 2004 finally rejecting claims 16 - 36.

Applicant previously filed in this case a Notice of Appeal dated November 3, 2003, and paid at that time the corresponding fee of \$330.00. Applicant also filed an Appeal Brief dated March 3, 2003, along with the fee for the brief and a two-month extension of time. The Examiner in an Office Action mailed May 12, 2004 reopened prosecution.

Pursuant to 37 CFR 1.17(b), the current fee for filing a Notice of Appeal is \$500.00. Applicant believes that no additional fee is due at this time because a **Notice of Appeal fee was paid when the original Notice of Appeal was filed in November 3, 2003.** However, if it is determined that an additional fee is due, the Commissioner is authorized to charge the incremental amount of \$170.00 from **Deposit Account No. 16-1885.**

{20055089,1}

Serial No.: 09/693,285

- 2 -

Docket No.: F-214

The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to **Deposit Account No. 16-1885**.

A duplicate copy of this transmittal is enclosed for use in charging the **Deposit** Account.

Respectfully submitted,



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CERTIFICATE OF FACSIMILE

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